

**BEFORE THE  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC**

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In the Matter of	)	
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SECURITY CONSIDERATIONS FOR THE	)	Docket No. FAA-2002-12504-
FLIGHTDECK ON FOREIGN OPERATED	)	
TRANSPORT CATEGORY AIRPLANES	)	
	)	
Final Rule	)	
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**COMMENTS OF LUFTHANSA CARGO AG**

Communications with respect to this document should be sent to:

Captain Joerg-Peter Berendsen  
Security Manager Flight Operations  
Lufthansa Cargo AG  
Am Gruenen Weg 1  
65451 Kelsterbach  
Germany

Annabel Schwaetter  
Legal Counsel  
Lufthansa Cargo AG  
Flughafen Frankfurt  
60546 Frankfurt  
Germany

Arthur J. Molins  
General Counsel North America  
Lufthansa  
1640 Hempstead Turnpike  
East Meadow, New York 11554

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These comments are submitted by Lufthansa Cargo Aktiengesellschaft (“Lufthansa Cargo”) in response to the “Final Rule” issued by the Federal Aviation Administration (“FAA”) on June 21, 2002 with respect to Security Considerations for the Flightdeck on Foreign Operated Transport Category Airplanes (Docket No. FAA2002-12504). The Final Rule requires improved flightdeck security and operational and procedural changes to prevent unauthorized access to the flightdeck on passenger-carrying aircraft and some cargo aircraft operated by foreign carries under the provisions of 14 CFR Part 129.

On July 30, 2002, Captain Joerg-Peter Berendsen of Lufthansa Cargo presented verbal comments relating to the Final Rule at the FAA’s public forum in Washington, D.C. Copies of this statement were duly presented to the FAA and form part of the record related to the Final Rule. Lufthansa Cargo welcomes the opportunity afforded it by the FAA to submit written comments adding further to the company’s position related to the Final Rule.

Lufthansa Cargo fully supports the FAA’s efforts to increase aircraft security and combat the threat of terrorism and is committed to cooperating with the government of the United States and its various responsible agencies in this respect. Lufthansa Cargo has always placed the highest priority on aircraft safety and security. It has developed and implemented enhanced security measures which not only comply with world wide regulations but, in many

respects, exceed acceptable standards. In this context, Lufthansa Cargo shares the FAA's goal to increase the security level on all cargo aircraft. However, we would respectfully take this opportunity to submit to the FAA that the Final Rule is not well tailored for all cargo aircraft and will not appreciably increase the security standards for cargo flight operations.

## **I. Lufthansa Cargo Background.**

Lufthansa Cargo is an all cargo airline with global operations including several destinations in the United States. Its fleet consists of 14 MD 11 freighters and 8 Boeing 747-200 freighters. All of the MD 11 and three of the Boeing 747-200 freighters were designed with flightdeck doors and are therefore subject to the Final Rule. Section 129.28(c) of the Final Rule would prevent Lufthansa Cargo from operating its transport category all-cargo airplanes after April 9, 2003 that has a door installed between the pilot compartment and any other occupied compartment on or after June 21, 2002 on flights within the United States or on overflights unless the door meets a variety of specific requirements set forth in the Final Rule. The Rule will effectively require that Lufthansa Cargo install new compliant doors on seventeen (17) of their all-cargo aircraft. The operational and economic impact that the Final Rule will have on Lufthansa Cargo is significant, placing it at a competitive disadvantage in relation to those carriers whose fleet is primarily designed and operated without doors, yet, without enhancing the security environment.

## **II. The Final Rule is not well suited for all cargo carriers and does not effectively enhance security on all cargo aircraft.**

The Final Rule does not take into consideration the operational and functional differences between passenger and all cargo aircraft and does not enhance security on board all cargo carriers.

The FAA's original SFAR amending Part 121, applicable to U.S. carrier flight operations only, did not impose the reinforced flightdeck door requirement on all-cargo carriers. The implementing U.S. federal statute requires that only passenger aircraft be equipped with such flightdeck doors. The FAA did not apparently amend Part 121 to require the installation of reinforced flightdeck doors on all-cargo aircraft until Federal Express petitioned the FAA to allow it to install such doors on its freighter aircraft.

The Final Rule extended the regulation relating to reinforced flightdeck doors to foreign air carriers, including foreign all cargo operators. It is significant that the FAA in promulgating the Final Rule, did not require the installation of flightdeck doors on cargo freighters that were designed without such doors. Requiring cargo operators with aircraft that just so happen to be equipped with flightdeck doors to spend considerable sums in compliance with the Final Rule is incongruous.

The International Civil Aviation Organization (“ICAO”) was established for the purpose of standardizing the technical fields of aviation. ICAO has 187 Member States, including the United States. ICAO recently reviewed the issue of reinforcing flightdeck doors and the ICAO recommendation (Annex 6 Chapter 13 Amendment 27) limits the requirement of reinforced flightdeck doors to passenger aircraft, not to freighter aircraft. The FAA regulation obviously is in conflict with the ICAO position. The United States, as an ICAO Contracting State, should seek compliance with its standards and recommendations so as to avoid deviations in global standards.

The essential difference between passenger and all cargo aircraft operations should be self-explanatory: all cargo aircraft do not carry passengers. Lufthansa Cargo MD 11 freighters are equipped with 2 seats outside the flightdeck area while its Boeing 747-200’s are equipped with 10 seats. Often these seats remain empty. The very limited number of travelers enable the all cargo carriers to establish regimented control over accepted travelers. These facts, the relatively low number of travelers on all cargo carriers and their ability to control who is permitted on board, do not justify the requirements imposed by the Final Rule. Lufthansa Cargo has very stringent policies concerning individuals that may travel on board its freighters which limit such travel to company employees, flight crew family members, and cargo attendants present to accompany delicate or sensitive cargo shipments. These policies have been approved by the German Civil Aviation Authority (LBA) and limit such travel to a narrowly defined group of persons. Before any such individual may be permitted to travel on board a Lufthansa Cargo freighter, an application must be submitted to a centralized department at the company’s headquarters in Frankfurt, Germany well in advance of the flight (up to 8 weeks in advance depending on the applicant). A thorough identification and screening process is conducted. Travel on board a Lufthansa Cargo freighter is subject to the sole and exclusive discretion of the company which it denies readily when there is any question related to the identity or background of the individual requesting permission to

travel. Any individual that is not identified or whose background is dubious is not authorized to travel on board. Accepted travelers and accompanying baggage are then screened prior to departure by company personnel trained in pre-boarding security procedures. Finally, the captain in command will be the ultimate decision maker as to any individual travelling on board. Consequently, it is not a flightdeck door that keeps unauthorized persons from endangering the flight but the company's pre-flight security measures on the ground.

Another significant distinction in all cargo operations is the absence of flight attendants to assist the flight crew. All MD 11 aircraft in the Lufthansa Cargo fleet have only two flight crew members. Company Boeing 747-200's have one additional flight crew member, a flight engineer. The crew exits the flightdeck on a regular basis during the flight to visit the galley or lavatory or to perform routine inspections or in the event of any urgent matter requiring their attention. In such cases, there are no flight attendants outside the flightdeck door ensuring that the area is clear and secure before the flight crew member exits the flightdeck. A flightdeck door, whether reinforced or not, will not enhance the security of the aircraft. In fact, in the event of an intrusion into the flightdeck by an unauthorized person, a reinforced flightdeck door prevents a flight crew member, who has exited the flightdeck, from returning to the flight deck to assist a fellow flight crew member.

Travel on board all cargo operators is also restricted by applicable law. The European Joint Aviation Authorities Requirements for Commercial Air Transportation ("JAR OPS") relating to the Transport of Dangerous Goods by Air, JAR-OPS 1 Subpart R, Article 1.1150(a)(2) do not allow any person on an all cargo aircraft except for crew members, authorized employees of the operator, authorized representatives of a government agency or an attendant with duties in respect of a particular sensitive shipment. This is consistent with the ICAO Rules (ICAO TI Part 1 Chapter 3, Sec. 3.1 "Definitions") and based on Annex 18 of ICAO.

The substantial differences between all cargo and passenger operations must be recognized by the FAA in its implementation of the Final Rule. The FAA should consider alternatives for flightdeck security for all cargo aircraft.

### **III. Financial Impact of Final Rule.**

The FAA has made the assumption in that “the estimated costs of future compliant flightdeck doors will be approximately \$17,000, installed”. Lufthansa Cargo has estimated that the range of costs will be considerably higher, about \$100,000 per aircraft for implementation plus \$50,000 annually as additional cost for maintenance and fuel. We are not certain how the FAA may have calculated its costs and suggest that it study the costs involved and the resulting economic impact on the cargo carriers in greater detail. As noted before, the direct financial impact on Lufthansa Cargo related to the installation, maintenance and operation of seventeen compliant flightdeck doors is substantial, without any support from governmental sources.

Additionally, compliance with the Final Rule deadline of April 9, 2003 may not be realized by the cargo carrier industry as a result of delays in kit deliveries. The potential costs associated with the grounding of aircraft that are not compliant by that date would add to burden imposed by this measure.

### **IV. Enhanced Security Programs provide more effective security than the requirements of the Final Rule.**

Lufthansa Cargo is presently developing enhancements to its security program which will provide significantly more security on board than relying on fortified flightdeck doors. These security measures shall serve as an alternative to the Final Rule flightdeck door specifications as a means of preventing unauthorized access to the flightdeck. One of the key elements of the Lufthansa Cargo security model is to ensure that only known and trusted persons are onboard of Lufthansa Cargo’s freighters. In addition to the traveler authorization process employed by Lufthansa Cargo described above, the company is creating a “known traveler concept”. Cargo shippers desiring to have cargo attendants fly on board a cargo freighter (accompanying sensitive cargo) must conduct an identity and background investigation of any attendant and provide such information to the carrier. The company conducts further background checks. Personal data regarding attendants will then be maintained in a database and used by Lufthansa Cargo in determining acceptable travelers.

Lufthansa Cargo stands ready to describe its security program to the FAA in greater detail, in confidence, to demonstrate that its security measures secures the aircraft from any unauthorized entry into the flightdeck. Such security measures obviate the need for reinforced flightdeck doors.

It is our understanding that a number of U.S. all cargo carriers have applied for exemptions from the reinforced flightdeck door requirements of Part 121, which applications are pending. Lufthansa Cargo urges the FAA to grant exemptions for an exemption from section 129.28(c) of the Federal Aviation Regulations for those all cargo carriers that have developed and demonstrated enhanced all-cargo security programs that provide for equivalent – or perhaps greater – levels of security than that brought about by the installation of the reinforced flightdeck doors as required by the Final Rule.

Respectfully submitted,

Lufthansa Cargo AG

August 20, 2002